

REMARKS

The Examiner's Action mailed on April 6, 2005 has been received and its contents carefully considered.

In this Amendment, Applicants have editorially amended the specification and claims 1-3, 5-6, 8-11 and 14. Claims 1 and 14 are independent claims. Claims 1-14 are now pending in the application. For at least the following reasons, it is submitted that this application is in condition for allowance.

Applicants note with appreciation that the Examiner has indicated that claims 2-7 and 11-13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1, 8, 9 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fujimoto et al* (U.S. Patent No. 6,473,206). Claims 1, 8, 9 and 10 have been amended, and it is submitted that the rejection is inapplicable to the amended claim 1 and its dependent claims.

Applicant's amended claim 1 recites a scanner including a housing, a carriage movable inside the housing, and a scan-starting device for starting the scanner to proceed scanning. The scan-starting device includes a trigger section, and a key section. The trigger section is situated on the carriage. The key section is situated on the housing, for

acting on the trigger section to enable the trigger section to **output a signal** to start the scanner to proceed scanning. The key section includes a key and an extension part. The key is installed on a panel of the housing. The **extension part** is extended from the key and **through an opening** of the panel, for moving back and forth inside the panel to **trigger the signal** from the trigger section.

In contrast, *Fujimoto et al.* disclose an image scanner including a housing 10, a carriage 20, and a DC motor 60 mounted on the carriage 20, but *Fujimoto et al.* does not disclose various features recited in independent claim1.

There is no disclosure or suggestion by *Fujimoto et al.* that the key section is situated on the housing, for acting on the trigger section to enable the trigger section to **output a signal** to start the scanner to proceed scanning. Besides, there is no disclosure or suggestion by *Fujimoto et al.* of a key installed on a panel of the housing. Moreover, *Fujimoto et al.* fail to disclose or suggest that an **extension part** extends from the key and **through an opening** of the panel, for moving back and forth inside the panel to **trigger the signal** from the trigger section.

In the Office action, the Examiner acknowledges that *Fujimoto et al.* fail to disclose a key section with a rod to move inside the panel but alleges that this feature is well known and routinely implemented in the art. However, the Applicant can find no basis for this

assertion and no basis is presented; nor does the Office Action include any reasoned argument based on knowledge available to those skilled in the art.

Therefore, the Examiner is taking Official Notice of the claim features. Notice is respectfully traversed, and *it is requested that the Examiner supply a reference disclosing the asserted claim features.* As notice is only to be taken of features “capable of instant and unquestionable demonstration as being well-known” (MPEP §2144.03), the Examiner should be able to supply a reference.

It is noted that the Examiner is taking notice of an important feature of the claims, not some minor subsidiary element.

Furthermore, the Applicant respectfully submits that not only the claimed features themselves are missing from the prior art, but also missing is the required motivation for modifying the primary reference. Even assuming that the claimed features were available to combine with the reference (which they are not), there still would be no reason to add them. The Examiner states that adding the non-disclosed feature is suggested “in order to activate motor 60 for starting scanning operation.” However, *Fujimoto et al.* already has a means for starting the scanning operation and it does not teach that there is anything unsatisfactory about its existing means. So why would the person of ordinary skill have

changed that which the prior art teaches is satisfactory? With respect, two out of the three required elements of a *prima facie* case of obviousness are lacking. MPEP §2143.

As such, it is respectfully submitted that Applicant's independent claim 1, as well as claims 2-13 dependent therefrom, are patentable over the cited reference.

Claim 14 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fujimoto et al* (U.S. Patent No. 6,473,206) in view of *Kokai* (JP Patent Application No. 55[1980]-114070). It is submitted that the rejection is inapplicable to claim 14.

Applicant's independent claim 14 recites a scanner including a housing, a carriage, and a homing device. The carriage is movable inside the housing. The homing device is used to bring the carriage to a predetermined home position and includes a trigger section and a rod section. The trigger section is situated on the carriage. The **rod section** is situated on the housing. The carriage keeps moving until the rod section touches the trigger section. Thereafter, the trigger section generates a triggering signal to halt the carriage so that the carriage can return to the home position.

In contrast, *Kokai* discloses a facsimile transmitter including a subscanning head 22, and subscanning terminating end detecting sensors 32 and 33. The subscanning head 22 is for performing subscanning. The subscanning terminating end detecting sensors 32 and 33 are used for reversing the subscanning direction of the subscanning head 22 when the

subscanning head 22 moves to reach the subscanning terminating end detecting sensors 32 and 33. Thus, there is no need of returning the subscanning head 22 so that the facsimile transmitter has a smaller size and a higher speed of operation. (Col. 5, lines 2-14; and Col. 18, lines 10-18).

The Examiner combines *Fujimoto*'s design with that of Kokai for added feature for operation of the scanning device. However, the subscanning terminating end detecting sensors 32 and 33 of *Kokai* are directed to change the moving direction of the subscanning head 22. This contrasts with the claimed invention in which a homing device is used to bring the carriage to a predetermined home position.

Further, neither *Fujimoto et al.* nor *Kokai* discloses or suggests a rod section situated on the housing for touching the trigger section situated on the carriage, as recited in claim 14. Moreover, nowhere in any of the cited references is even a suggestion that the carriage keeps moving until the rod section touches the trigger section or the purpose that the stopped carriage can return to the home position to be achieved thereby.

As such, it is submitted that Applicant's independent claim 14 is patentable over the cited references.

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Based on the above, it is submitted that this application is in condition for allowance and such a Notice, with allowed claims 1-14, earnestly is solicited.

Respectfully submitted,



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Date

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